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STATUTORY INSTRUMENTS

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**1978 No. 1045**

**Matrimonial Causes (Northern Ireland) Order 1978**

**PART III**

**FINANCIAL RELIEF FOR PARTIES TO  
MARRIAGE AND CHILDREN OF FAMILY**

*Ancillary relief in connection with divorce proceedings, etc.*

**[<sup>F1</sup>Pensions**

**27B.**—(1) The matters to which the court is to have regard under Article 27(2) include—

- (a) in the case of sub-paragraph (a), any benefits under a pension[<sup>F2</sup> arrangement] which a party to the marriage has or is likely to have; and
- (b) in the case of sub-paragraph (h), any benefits under a pension[<sup>F2</sup> arrangement] which, by reason of the dissolution or annulment of the marriage, a party to the marriage will lose the chance of acquiring,

and, accordingly, in relation to benefits under a pension[<sup>F2</sup> arrangement], Article 27(2)(a) shall have effect as if "in the foreseeable future" were omitted.

*Para. (2) rep. by 1999 NI 11*

(3) The following provisions apply where, having regard to any benefits under a pension[<sup>F2</sup> arrangement], the court determines to make an order under Article 25.

(4) To the extent to which the order is made having regard to any benefits under a pension[<sup>F2</sup> arrangement], the order may require the[<sup>F2</sup> person responsible for] the pension[<sup>F2</sup> arrangement] in question, if at any time any payment in respect of any benefits under the[<sup>F2</sup> arrangement] becomes due to the party with pension rights, to make a payment for the benefit of the other party.

[<sup>F2</sup>(5) The order must express the amount of any payment required to be made by virtue of paragraph (4) as a percentage of the payment which becomes due to the party with pension rights.]

(6) Any such payment by the[<sup>F2</sup> person responsible for the arrangement]

- (a) shall discharge so much of[<sup>F2</sup> his] liability to the party with pension rights as corresponds to the amount of the payment; and
- (b) shall be treated for all purposes as a payment made by the party with pension rights in or towards the discharge of his liability under the order.

(7) Where the party with pension rights[<sup>F2</sup> has a right of commutation under the arrangement, the order may require him to exercise it to any extent]; and this Article applies to[<sup>F2</sup> any payment due in consequence of commutation] in pursuance of the order as it applies to other payments in respect of benefits under the[<sup>F2</sup> arrangement].

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- <sup>F2</sup>(8) The power conferred by paragraph (7) may not be exercised for the purpose of commuting a benefit payable to the party with pension rights to a benefit payable to the other party.
- (9) The power conferred by paragraph (4) or (7) may not be exercised in relation to a pension arrangement which—
- (a) is the subject of a pension sharing order in relation to the marriage, or
  - (b) has been the subject of pension sharing between the parties to the marriage.
- (10) In paragraph (1), references to benefits under a pension arrangement include any benefits by way of pension, whether under a pension arrangement or not.]]

**F1**    [1995 NI 22](#)

**F2**    [1999 NI 11](#)

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**Modifications etc. (not altering text)**

**C1**    [Art. 27B\(6\)](#) modified (14.8.2006) by [Divorce etc. \(Pension Protection Fund\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/310\)](#), **reg. 2**

**Changes to legislation:**

There are currently no known outstanding effects for the Matrimonial Causes (Northern Ireland) Order 1978, Section 27B.